IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.Misc.No.6157-M of 2007

Date of Decision: 6.3.2007

Satbir and others ...Petitioner(s)

through
Mr.Jitender Nara, Advocate.

Versus

State of Haryana and another ...Respondent(s)

through
Mr.R.D.Sharma, DAG Haryana.
Mr.Jitender Dhanda, Advocate.

CORAM : HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

Reply on behalf of respondent No.2 by way of her affidavit, filed in Court is taken on record. Her statement on oath has already been recorded separately.

Prayer in this petition is for quashing of FIR No.221 dated 16.5.2001 registered under Sections 406/498-A/342/323/506 IPC at Police Station Jhajjar. FIR has been got registered by respondent No.2, who was married to petitioner No.1 on 18.5.2000.

As per the averments, no issue was born out of the wedlock. According to the petitioners, the unfortunate matrimonial dispute has since been amicably resolved by way of a compromise deed dated 18.9.2006 (Annexure P-2) and in terms thereof, a decree of divorce by mutual consent has been passed between the parties on 10.11.2006 (Annexure P-3).

A perusal of the compromise deed further reveals that the

complainant also agreed not to pursue the impugned criminal proceedings initiated by her against her former husband and his family members. Similarly she has also agreed to withdraw the petition filed by her under Section 125 Cr.P.C. for the grant of maintenance. Respondent No.2 has separately deposed in terms noticed above and has supported the prayer made by the petitioners in this petition.

After hearing the learned counsel for the parties and having regard to the above noticed stand taken by the complainant – respondent No.2 herself before this Court, I am satisfied that continuation of the impugned criminal proceedings is an exercise in futility and an abuse of process of law.

In the light of principles laid down by the Apex Court in the case of **B.S.Joshi vs. State of Haryana, 2003 (4) SCC 675**, this petition is allowed. The impugned FIR No.221 dated 16.5.2001 registered under Sections 406/498-A/342/323/506 IPC at Police Station Jhajjar and all the proceedings arising therefrom are hereby quashed.

(Surya Kant)
Judge

6.3.2007
Meenu